REMARKS

In response to the Final Office Action mailed on November 4, 2010, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1, 13, 17, 26-27, 29, and 44 were amended, and, leaving Claims 1-3, 10, 13-23, 25-37, and 44-47 for consideration upon entry of the present amendment. No new matter has been added

Support for Claim Amendments

The amendments to Claims 1, 13, 17, 26-27, 29, and 44 are fully supported in Applicant's specification. See, for example, Para. [0036], [0129]-[0132] and [0202] in the specification as originally filed.

Claim Rejections - 35 U.S.C. § 101

Claims 13, 14 and 26 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection and submits that claims 13, 14 and 26 are directed to statutory subject matter. The Applicant has amended Claim 13 to recites inter alia "comprising a computer readable storage medium storing instructions." Therefore, Claim 13 recites a "computer readable storage medium tangibly storing instructions." Claim 26 has been similarly amended to recites inter alia "the computer readable storage device tangibly storing instructions," which is non-transitory. Claim 14 recites *inter alia* "program storage device readable by machine, tangibly embodying a program of instructions." These "tangible" embodiments are non-transitory. Therefore, for at least these reasons the Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 13-14 and 26.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 10, 13-16, 34 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,708,187 to Shanumgam (hereinafter "Shanumgam") in view of U.S. Patent No. 5,889,956 to Hauser (hereinafter "Hauser"). Applicant respectfully traverses the rejection and submits that Shanumgam in view of Hauser does not teach or suggest all of the elements of Claims 1-3, 10, 13-16, 34 and 36.

Claim 1 recites *inter alia* "a list of computing environments to be managed, at least one policy controlling acquisition of at least one resource from resource libraries for said at least one domain, and any sub-domains within said at least one domain, the at least one policy for controlling the number of reserve resources available to process requests from the at least one domain and the sub-domains." The combination of Shanumgam and Hauser does not teach this element of Claim 1. Hauser discloses a maximum resource level for an entity, however, Hauser discloses that when the resource is no longer being used it is returned and therefore does not teach or suggest "the at least one policy for controlling the number of *reserve* resources available to process requests from the at least one domain and the sub-domains," as recited *inter alia* in Claim 1. ("resources which are no longer in use are dequeued. In dequeuing, a resource unit is returned," Hauser, col. 6, lines 10-15, emphasis added.) Therefore, Hauser does not teach or suggest "controlling the number of reserve resources available," as recited *inter alia* in Claim 1.

In addition, with regard to Claim 1, the Examiner states that Shanumgam teaches "at least one policy controlling acquisition of at least one resource," as recited *inter alia* in Claim 1. Shanumgam discloses a VPN with a VPN rule controlling access between a host and the VPN. ("the rules node 276 initially includes a default VPN rule 278 corresponding to the policy settings selected by the network administrator during setup of the policy server 122. The default VPN rule 278 allows unrestricted access between the hosts in the VPN," Shanumgam, col. 13, lines 1-6, emphasis added.) This does not teach or suggest "controlling acquisition of at least one resource," but rather discloses

controlling access to the VPN by a host. (Shanumgam, col. 13, lines 1-6.) The addition of Hauser does not cure the deficiencies of Shanumgam.

Furthermore, with regard to Claim 1, the Examiner states that Shanumgam does not disclose "acquisition of at least one resource from resource libraries for said at least one domain," but alleges that Hauser teaches this element. Hauser discloses resource allocation from higher system levels to lower system levels but is devoid of teaching or suggesting "acquisition of at least one resource from resource libraries for said at least one domain," as recited *inter alia* in Claim 1. Specifically, Hauser discloses sharing resources across a number of tiered entities as opposed to "acquisition of at least one resource from resource libraries for said at least one domain," as recited *inter alia* in Claim 1. ("The system advantageously allocates resources to a requesting entity based on availability of resources at the *intervening levels*," Hauser, col. 5, lines 8-10, emphasis added.)

Therefore for at least these reasons, the combination of Shanumgam and Hauser does not teach or suggest the elements of Claim 1.

Claims 2-3, 10 and 34-35 depend from Claim 1 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 13 and 14 are substantially similar to Claim 1 and are allowable for at least the same reasons as Claim 1. Therefore, for at least those reasons, the Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 13 and 14.

Claim 15 recites *inter alia* "a list of computing environments to be managed, at least one policy controlling acquisition of at least one resource from composite resources for said at least one domain, and any sub-domains within said at least one domain, the at least one policy for controlling the number of reserve resources available to process requests from the at least one domain and the sub-domains." The combination of Shanumgam and Hauser does not teach or suggest these elements of Claim 15 for at least

the same reasons as stated above with regard to Claim 1. Therefore, for at least these reasons Claim 15 is allowable over the combination of Shanumgam and Hauser.

Claim 16 is substantially similar to Claim 15 and is allowable for at least the same reasons stated above with regard to Claim 15.

Claims 17-23 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,847,968 to Pitts (hereinafter "Pitts") in view of U.S. Patent No. 6,708,187 to Shanumgam (hereinafter "Shanumgam") and U.S. Patent No. 5,923,845 Kamiya to (hereinafter "Kamiya"). Applicant respectfully traverses the rejection and submits that Pitts in view Shanumgam and Kimiya does not teach or suggest all of the elements of Claims 17-23 and 25-28.

Claim 17 recites *inter alia* "enabling resource sharing of public resource pools between the different organizations based on an acquisition policy, the acquisition policy determining which resources are added or removed from the public resource pools for all of the different organizations." The combination of Pitts, Shanumgam, and Kimiya does not teach this element of Claim 17. Kimiya discloses a collector for each user that collects *information* and allows each user to filter the content from these *multiple* collectors for *themselves*. ("Paul is only interested in certain sub-topics, for example stocks. Paul can take advantage of the work of David, Bob, and Frank by simply creating subscription links to collector 953, collector 962, and collector 972," Kimiya, col. 16, lines 4-10, emphasis added.) The combination and filtering of multiple collectors in Kimiya do not teach or suggest "enabling resource sharing of public resource pools between the different organizations based on an acquisition policy, the acquisition policy determining which resources are *added or removed* from the public resource pools for all of the different organizations," as recited *inter alia* in Claim 17. Therefore, for at least these reasons, Claim 17 is allowable over the combination of Pitts, Shanumgam, and Kimiya. The Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 17.

Claims 16-23 and 25-26 depend from Claim 17 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 27 recites *inter alia* "and enabling resource sharing of public resource pools between the different organizations based on an acquisition policy, the acquisition policy determining which resources are added or removed from the public resource pools for all of the different organizations," and is allowable over the combination of Pitts, Shanumgam, and Kimiya for at least the same reasons as stated above with regard to Claim 17.

Claim 28 depends from Claim 27 and is believed to be allowable for at least the reason that it depends from an allowable base claim.

Claims 29 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,847,968 to Pitts (hereinafter "Pitts") in view of U.S. Publication No. 2002/0099842 to Jennings (hereinafter "Jennings"). Applicant respectfully traverses the rejection and submits that Pitts in view Jennings does not teach or suggest all of the elements of Claims 29 and 47

Claim 29 recites *inter alia* "one or more root collectors and one or more non-root collectors, said one or more root collectors comprising a public resource pool, said one or more non-root collectors comprising a private resource pool, each of said plurality collectors being linked to at least one other collector." Neither Pitts nor Jennings, either alone or in combination teach or suggest "one or more root collectors *and* one or more non-root collectors, said one or more root collectors comprising a public resource pool, said one or more non-root collectors comprising a private resource pool." Therefore, for at least this reason, Claim 29 is allowable over the combination of Pitts and Jennings. The Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 29.

Claim 47 depends from Claim 29 and is believed to be allowable for at least the reason that it depends from an allowable base claim.

Claims 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pitts and Jennings as applied to claim 29 above, and further in view of U.S. Patent No. 5,649,185 to Antognini (hereinafter "Antognini"). Applicant respectfully traverses the rejection and submits that Pitts and Jennings as applied to claim 29 above, and further in view of Antognini does not teach or suggest all of the elements of Claims 30-33. Claims 30-33 depend from Claim 29 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 44 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,082 to Lumelsky in view of U.S. Patent No. 5,649,185 to

Antognini. Applicant respectfully traverses the rejection and submits that Lumelsky in view of Antognini does not teach or suggest all of the elements of Claims 44 and 46.

Claim 44 recites *inter alia* ", said Base Resource Distribution Service providing a reservation of resources even when resources are not currently available." The combination of Lumelsky and Antognini does not teach this element of Claim 44. The Examiner alleges that Antognini discloses "said Base Resource Distribution Service to provide reservation and allocation of resources," as recited *inter alia* in Claim 44. Antognini, however, discloses only a library service providing capabilities for "connect 50, store 51, retrieve 52," but does not teach or suggest providing "reservation and allocation of resources," as recited *inter alia* in Claim 44. Furthermore, assuming, *arguendo*, that Antognini does teach reservation of resources, which it does not, Antognini is devoid of teaching or suggesting "Base Resource Distribution Service providing a reservation of resources even when resources are not currently available," as recited *inter alia* in Claim 44. Therefore, for at least these reasons, Claim 44 is allowable over the combination of Lumelsky and Antognini. The Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 44.

Claim 46 depends from Claim 44 and is believed to be allowable for at least the reason that it depends from an allowable base claim.

Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lumelsky and Antognini as applied to claim 44 above, and further in view of U.S. Patent No. 6,847,968 to Pitts. Applicant respectfully traverses the rejection and submits that Lumelsky in view of Antognini as applied to claim 44 above, and further in view of Pitts does not teach or suggest all of the elements of Claim 45. Claim 45 depends from Claim 44 and is believed to be allowable for at least the reason that it depends from an allowable base claim.

CONCLUSION

In this Amendment, Applicant has made amendments in order to facilitate expeditious prosecution of the application. Applicant is not conceding that the subject matter encompassed by the claims prior to this Amendment is unpatentable over the art cited by the Examiner. Applicant respectfully reserves the right to pursue claims in one or more continuing applications, including claims capturing the subject matter encompassed by claims prior to this Amendment and additional claims.

It is believed that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are in condition for allowance. In the event the Examiner has any questions regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully Submitted,

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